

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

MARC DEAN,

Plaintiff,

v.

CASE NO. 2:09-1007

BAKER INSTALLATION,

Defendant.

O R D E R

Pending is defendant's motion to dismiss for failure to prosecute, filed June 22, 2010.

On May 10, 2010, the court granted the motion to withdraw of counsel for plaintiff and directed plaintiff to appear before the undersigned on May 24, 2010. On May 24, 2010, there appeared for hearing plaintiff and counsel for defendant. The hearing was continued to June 18, 2010, to allow time for plaintiff to secure representation. Plaintiff did not appear at the hearing held on June 18, 2010, during which the court noted that no counsel had entered an appearance on behalf of plaintiff.

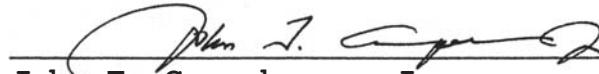
Defendant asserts that this case should be dismissed for failure to prosecute inasmuch as the deadline for discovery was March 22, 2010, and plaintiff did not respond to its discovery or appear for his deposition, nor did he serve

discovery on defendant. Plaintiff has not responded.

For reasons appearing to the court, it is ORDERED that defendant's motion to dismiss be, and it hereby is, granted. Accordingly, this action is dismissed without prejudice.

The Clerk is directed to forward copies of this order to all counsel of record and to the plaintiff, Marc Dean, at 514 Main Street, Charleston, West Virginia 25302.

DATED: July 9, 2010


John T. Copenhaver, Jr.
United States District Judge